

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	
)	
THE COMMITTEE TO ELECT JIMMY)	
BENCH,)	Case No. 20-0017-I
Candidate Committee,)	
)	
and)	
)	
JIMMY BENCH,)	
Candidate,)	
)	
Respondents.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondents, The Committee to Elect Jimmy Bench and Jimmy Bench, acknowledge that they have received and reviewed a copy of the legal complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondents further acknowledge that they are aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondents be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondents; the right to present evidence on Respondents' behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to

Respondents by operation of law, the undersigned Respondents knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondents jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹

2. Respondent Bench was a successful candidate for Pulaski County Sheriff in the August 4, 2020 primary election.

3. Respondent Bench registered a candidate committee, The Committee to Elect Jimmy Bench, by filing a Statement of Committee Organization with the Missouri Ethics Commission on March 9, 2020.

4. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint that was filed with the Commission and reported the investigation findings to the Commission.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2019).

5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that a violation of law had occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

6. Respondents filed their 2020 April Quarterly Report with the Missouri Ethics Commission on April 16, 2020, and have amended it twice since.

7. The 2020 April Quarterly Report shows a \$450 contribution and a \$300 contribution, both received on January 27, 2020, from single contributors, respectively. Additionally, Respondents reported expenditures on February 7th, 18th, and 27th of 2020 totaling \$815.97 for signs.

JOINT PROPOSED CONCLUSIONS OF LAW

8. Pursuant to Section 130.011(9), RSMo, a candidate committee is:

A committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy... A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part[.]

9. Pursuant to Section 130.016.6, RSMo, a candidate committee is to be formed when the aggregate of contributions received or expenditures made exceed \$1,000 or the receipt of contributions from a single contributor exceeds \$325.

10. Pursuant to Section 130.021(2), RSMo, every candidate for office shall file a Statement of Committee Organization within twenty days of becoming a committee with the Missouri Ethics Commission.

11. There is probable cause to believe that Respondents violated Section 130.021(2), RSMo, by failing to timely file a Statement of Committee Organization with the Missouri Ethics

Commission within twenty days after meeting the statutory requirements to form as a candidate committee.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
 - a. Respondents shall comply with all relevant sections of Chapter 130, RSMo.
 - b. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100.00 of that fee within forty-five days after the date of this order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
 - c. Regardless of the stay in paragraph 2.b above, if there is probable cause to believe that any Respondent committed any further violation or violations of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this order, then the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that there is probable cause to believe that such Respondent has committed such a violation.
 - d. Respondents shall be jointly and severally liable for all fees imposed under this order.
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in this action.

4. Respondents, together with their heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondents or Respondents' attorney may now have or which they may hereafter have, which are based upon or arise out of this case.

RESPONDENT THE COMMITTEE TO
ELECT JIMMY BENCH

By: Jimmy Bench Date
Jimmy Bench

RESPONDENT JIMMY BENCH

By: Jimmy Bench Date
Jimmy Bench

PETITIONER MISSOURI ETHICS
COMMISSION

By: Elizabeth L. Ziegler 9/21/2020 Date
Elizabeth L. Ziegler
Executive Director 9/21/2020

By: Brian Hamilton 9/21/20 Date
Brian Hamilton
Attorney for Petitioner

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
SEP 21 2020
Missouri Ethics
Commission

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THE COMMITTEE TO ELECT JIMMY)	
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JIMMY BENCH,)	
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Respondents.)	


CONSENT ORDER

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that there is probable cause to believe that Respondents violated Section 130.021(2), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondents shall comply with all relevant sections of Chapters 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondents in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondents pay \$100.00 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. Regardless of the stay in paragraph 2 above, if the Commission finds that there is probable cause to believe that any Respondent committed any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then the Respondent who committed the violation will be required to pay the remainder of the fee. The fee will be due immediately upon a final probable cause finding that such Respondent has committed a violation.
4. Respondents shall be jointly and severally liable for all fees imposed under this order.

SO ORDERED this 21st day of September, 2020

By: 
Cheryl D. S. Walker, Chair
Missouri Ethics Commission